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09/784,394	02/15/2001	Marc Eller	12179-P081P1	2998
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/784,394
Filing Date: February 15, 2001
Appellant(s): ELLER ET AL.

Kelly K. Kordzik
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/15/2004 appealing from the Office action mailed 7/20/2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The parent application to this application, Serial No. 09/553,012 is also under an appeal to the Board.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

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The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Carney et al. (U.S. Patent No. 6,408,278)

Rhoads (U.S. Patent No. 6,411,725)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (U.S. Patent No. 6,408,278) in view of Rhoads (U.S. Patent No. 6,411,725).

Referring to claim 14, Carney discloses providing a first electronic billboard at a first location (see element 14a in Figure 3 and Column 5, Lines 26-29).

Carney also discloses coupling a first information handling system to the first electronic billboard (see element 24a in Figure 3) so that the first information handling system can control information to be displayed on the first electronic billboard (Column 3, Lines 57-67).

Carney also discloses providing a second electronic billboard at a second location (see element 14n in Figure 3 and Column 5, Lines 26-29).

Carney also discloses coupling a second information handling system to the second electronic billboard (see element 24n in Figure 3) so that the second information handling system can control information to be displayed on the second electronic billboard (Column 3, Lines 57-67).

Carney also discloses coupling the first and second information handling systems to a third information handling system over a network (see element 20 in Figure 3 and Column 3, Line 6).

Carney also discloses selecting, via the third information handling system, which of the first and second electronic billboards will display the information (Column 3, Lines 55-67).

Carney also discloses uploading the information from the third information handling system (Column 3, Lines 59-63) over the Internet (Column 5, Lines 40-42) to the information handling system controlling the selected electronic billboard (Column 5, Lines 37-40).

Carney also discloses displaying the information on the selected electronic billboard (Column 3, Lines 65-67 and Column 5, Lines 26-29).

Carney discloses various types of networks for transmitting the video, but fails to disclose a digital television broadcast network. Rhoads discloses a digital television broadcast network for transmitting video to a billboard (see Column 12, Lines 44-56 and Column 19, Lines 26-30).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the network for transmitting video to the billboards, as taught by Carney, using the digital television broadcast network for transmitting video to billboards, as taught by Rhoads, for the purpose of providing higher quality television signals, which can be used to entice a user to view the billboard, as well as enable a system to use the existing cable system already deployed by the different cable companies, thereby minimizing the cost of the system.

Referring to claim 5, where Rhoads teaches a television transmitter for transmitting the billboard information to the billboard in a wireless manner (see Column 12, Line 47 for a satellite broadcast).

Claim 6 corresponds to claim 5, with the additional limitation of providing a multiplexer. Carney and Rhodes fail to disclose a multiplexer. The examiner takes Official notice that a multiplexer is well known in a satellite television distribution system. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the satellite broadcast system of Carney and Rhoads, to utilize a multiplexer, for the purpose of compacting various television signals provided from different broadcasters into one 6 Mhz channel for a more efficient transmission method.

Referring to claim 19, see rejection of claim 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. in view of Rhoads (U.S. Patent No. 6,411,725) in further view of Hunter (U.S. Patent No. 6,430,605).

Referring to claim 15, Carney and Rhoads teach all of the limitation in claim 14, but fails to teach a time period for displaying information on the billboard and displaying the information for the specified time period.

Hunter teaches selecting advertisements on a billboard at a selected time period (Column 8, Lines 57-67), and displaying an advertisements for the selected period of time (Column 9, Lines 15-18).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the server (third information handling system), as taught by Carney and Rhoads, using the option to specific a time period for displaying programming content, as taught by Hunter, for the purpose of alerting the users of "sale" items that are only available for a specified limited time (Column 2, Lines 47-52 of Hunter).

Referring to claim 16, Carney teaches all of the limitations in claim 14, but fails to teach the additional limitation of choosing the first and second billboard to receive information from a list of billboards.

Hunter teaches selecting which roadway-adjacent billboards to display programming content (Column 8, Lines 63-67).

At the time the invention was made, it would have been obvious to modify the server, as taught by Carney and Rhoads, using the option to allow the advertiser to choose which billboard to displaying information from a list, as taught by Hunter, for the purpose of allowing an advertise to only choose to display programming content where a high traffic volume is known (Column 2, Lines 25-30 of Hunter).

Claim 17 corresponds to claim 16, with the additional limitation of the list including a map of the first and second locations. Hunter teaches that a map can provide the location and directions to a company's local stores (Column 9, Lines 2-5).

Claim 18 corresponds to claim 16, with the additional limitation of charging an amount of money for the display of the information on the selected electronic billboard. Hunter teaches a module 190 for producing bills for charging an advertiser (Column 5, Lines 32-34).

Referring to claim 20, see rejection of claim 15.

(10) Response to Argument

1. The provisional patent applications relied upon for priority support the claim limitation "digital television broadcast network".

As stated in the previous examiner's arguments, the examiner disagrees and will provide a breakdown of each provisional application and explain why the limitation "digital television broadcast network" is not met.

Provisional Application 60/130,602

On Page 5, Lines 14-16, the provisional application states, "The ads can be uploaded to the billboard system through a direct connection, locally, or remotely using landlines, cable, satellite signaling, fiber optic cable, wireless transmissions, etc." The provisional application also states on Page 5, Lines 8-10 that, "Electronic billboards, such as the one illustrated in FIGURE 2, have the capability of displaying still or video images in a manner similar to a television or a computer display." Nowhere does the provisional application provide support for a digital or analog television network. Digital and analog television broadcast networks are specific architectures that provides a vast majority of different services using two different methods. In order to further explain the difference between the two types of networks, the examiner has provided an Insight article to provide a clear explanation between the two types of broadcast networks. In particular, Insight has provided an article entitled, "Basic, Classic and Digital Cable". In the Article, digital cable is explained as "Insight's Basic and Classic services are considered analog cable. Analog and digital are electrical terms referring to the two different transmission formats for electrical information". The article further explains that, "Analog cable has limited features, while digital cable has a clearer picture, more channels, and more advanced interactive services, like On Demand TV and the on-screen program guide". The examiner recognizes the different

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networks that can be used to transmit (uploading) data, but the examiner notes that these transmission networks do not even teach transmitting television signals, let alone digital or analog television signals. The only passage in the provisional application that states the term "television" is Page 5, Lines 8-10 (see above). This passage states that billboards can display video images in a manner similar to a television, but makes no teaching of how a television would actually receive the signal, only how a television would display a video image. Therefore, the provisional application provides no support for the claim limitation "digital television broadcast network".

Provisional Application 60/147,673

Although the provisional application provides more detail about the transmission means of the billboard system, the examiner notes that a "digital television broadcast network" is still not taught. Regarding Page 5, Lines 8-10 and Lines 14-16 see the arguments above regarding the provisional application 60/130,602 failing to teach a "digital television broadcast network". On Page 8, Lines 14-16 the provisional application teaches broadcasting data, but fails to teach a television network (neither analog or digital), the broadcast network described here simply discusses that the billboard is capable of broadcasting information to car radios (not a television network). On Page 8, Lines 19-20 and Page 9, Lines 3-5, the same networks are described to transmit data, but nowhere is a television network (neither analog or digital) described (see arguments regarding provisional application 60/130,602).

Applicant also argues that the examiner asserted that Carney disclosed a "digital television broadcast network". As previously stated in the previous Office Action, the

examiner agreed, in view of the Applicant's arguments that Carney fails to teach a digital television broadcast network. However, the examiner provided Rhoads in order to provide a 103 rejection is support of the claim limitation "digital television broadcast network".

2. Claims 5-6, 14 and 19 are not properly rejected under 35 U.S.C. § 103 as being unpatentable over Carney in view of Rhoads.

Applicant argues that Carney's provisional application (60/107,735) does not support the claim limitations of the Carney patent. Carney's patent application filing date (11/10/1999) is before the filing date of the Applicant's filing date of 2/15/2001 and the CIP filing date of 04/20/2000. Since the applicant's provisional applications fail to support the claim limitations of the instant application, the examiner has not previously relied upon Carney's provisional application to provide a date before the Applicant's provisional applications.

However, the examiner has reviewed Carney's provisional application and disagrees. The provisional application of Carney clearly reads on the claim limitations rejected by the Carney patent in the Figures disclosed on pages 12 and 20 of Carney's provisional application, as well as various other pages of the provisional application's disclosure. Carney provides distributing information to electronic billboards from a push server (third information handling system) through the Internet.

Regarding claims 14 and 19, Applicant argues that Rhoads does not teach a digital television broadcast network for transmitting video. The examiner agrees that

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Rhoads does in fact teach encoding and decoding information in video objects in a video sequence, however, Rhoades also teaches that video streams can be transmitted over various types of networks (Column 12, Lines 41-52) and that the video signal can be compressed and comprise MPEG 4 video objects (see Column 7, Lines 59-67 and Column 8, Lines 1-3 and Column 12, Lines 52-56), which is a digital signal format transmitted over a cable or satellite broadcast (see again the Insight article under the section "What is digital cable?" for describing that digital cable uses digital technology to compress video signals). Rhoades goes on to teach that one of the display devices that can be used to display the video objects (with watermarks) is a virtual billboard. Therefore, Rhoades clearly teaches that a digital television broadcast network can be used to transmit digital cable signals to a billboard.

Applicant argues that since Rhoades refers to "virtual billboards", it actually implies that it does not teach or suggest such transmission of video to billboards, since with such virtual billboards, there are no physical billboards to transmit to. The examiner disagrees and notes that Applicant appears to be misinterpreting the term "virtual". In the computer science field, dictionary.com defines virtual as, "Created, simulated, or carried on by means of a computer or computer network". Therefore, display on a physical (virtual) billboard and reception of the video signal displayed on the physical (virtual) billboard is clearly being performed. Also note that Rhoades further teaches the use of billboards for displaying the received video signal (over the digital television transmission network) at Column 19, Lines 44-53, which teaches that, "Watermarks may be embedded in the images on large physical objects, such as

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outdoor signs...A typical example would be billboards inside a baseball park or football stadium. When a video is captured of these physical objects, the watermarked images on these objects is recorded in the video signal". Therefore, Rhoads teaches the limitation of a "digital television broadcast network" used to communicate information to electronic billboards.

Regarding claims 19 and 20, see the arguments above.

Regarding claim 5, see the arguments above.

Regarding claim 6, the Applicant has traversed the examiner use of Official Notice to teach a multiplexer for transmitting video to an electronic billboard. The examiner cites Honey et al. (U.S. Patent 5,917,553), which teaches transmitting a modified video signal to an electronic billboard (see Column 1, Lines 41-67 and Column 2, Lines 1-14 and Lines 56-63 and Column 5, Line 63 through Column 6, Line 67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify system and digital television broadcast network, as taught by Carney and Rhoads, using the multiplexer 206, as taught by Honey, for the purpose of allowing a producer of a live event to switch between the various broadcast cameras at the stadium and the television viewer will see the enhancement regardless of which camera is selected by the producer (see Column 2, Lines 66-67 and Column 3, Lines 1-2 of Honey).

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3. Claims 15-18 and 20 are not properly rejected under 35 U.S.C. § 103 as being unpatentable over Carney in view of Rhoads and Hunter (U.S. Patent No. 6,430,605).

Applicant argues that Hunter does not constitute as prior art for the same reasons argued above regarding the provisional applications of the applicant's instant application, therefore, see the arguments above on how the instant application's provisional application do not provide proper support the claim limitations. The examiner notes that applicant does not argue the limitations taught by Hunter.

(11) Related Proceeding(s) Appendix

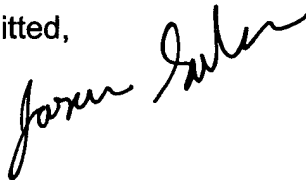
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Jason Salce

October 3, 2005



Conferees:


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